



United States Environmental Protection
Agency - Region 1
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023



Massachusetts Department of
Environmental Protection
One Winter Street
Boston, Massachusetts 02108

July 18, 2001

Dear College or University President:

For more than two years, EPA New England and the Massachusetts Department of Environmental Protection (MADEP) have combined targeted enforcement at colleges and universities with compliance education. Our goal is to address your environmental compliance and education needs, while encouraging you to raise awareness of environmental issues and making them fiscal priorities on your campuses.

In furtherance of that goal, we notify you of our joint College and University Initiative. This initiative invites you to use EPA's and MADEP's audit policies to identify environmental violations on your campus, disclose those violations to us, and voluntarily correct them. If specific conditions are met, the Policies allow penalty reductions of up to 100% for violations that might otherwise be assessed through an enforcement action. (However, EPA and MADEP reserve the right to pursue penalties for violations from which your institution realized significant economic benefit.) In exchange for your agreement to participate, EPA New England and MADEP will categorize your institution as a low inspection priority. This means that your institution is unlikely to be inspected for a set period of time, unless we receive a complaint or become aware of a condition that may threaten human health or the environment.

We offer this opportunity while reminding you that enforcement remains a critical component of our approach toward institutions of higher learning. Inspections of colleges and universities not participating in this initiative will continue. If these inspections reveal noncompliance, appropriate enforcement actions will be taken. Our continued commitment to enforcement is demonstrated by EPA's recent settlements with the University of Rhode Island and the Massachusetts Institute of Technology. The University of Rhode Island agreed to a settlement worth over \$800,000 stemming from widespread environmental violations found at the University's Kingston campus. MIT agreed to an enforcement settlement worth over \$550,000.

The possibility of such actions at your campus can be mitigated. EPA's and MADEP's audit policies encourage compliance with laws and regulations through self-policing, discovery, disclosure, correction and prevention.

The terms of participation are simple. Your institution must notify EPA and MADEP in writing, of your intent to participate no later than September 28, 2001. If you do so, we will rank your institution as a low inspection priority through December 31, 2002. You then have until June 30, 2002 to complete your audit. However, if a participant fails to notify EPA and MADEP by July 30, 2002 that it has completed its audit, the participant's facility will be returned to a normal inspection priority.

If violations are revealed by the audit, you must inform EPA and MADEP of the violations, in writing, within twenty-one (21) days of your receipt of the audit report, and correct the violations within sixty (60) days. If you believe that a violation cannot be corrected in the specified timeframe, you may contact EPA and MADEP to discuss an extension. Where a statute or regulation requires reporting in fewer than 21 days, disclosure shall be made within the time period established by law. If EPA/MADEP determines that an imminent threat to public safety or welfare or the environment results or could result from the violation, EPA/MADEP may require earlier correction and remediation. If your audit reveals no violations, simply inform EPA and MADEP in writing. You will then retain your low inspection priority through December 31, 2002.

We encourage the preparation of audit reports to help you discover and correct any violations of environmental requirements. However, you are under no obligation to submit the completed audit report to EPA or MADEP.

We recognize that Massachusetts state colleges and universities, by being part of the Massachusetts Clean State Program, have already made significant progress in complying with environmental regulations. Participation in this joint EPA/MADEP initiative will not alter any commitments made by Massachusetts state colleges and universities under the Clean State Program. While this initiative is voluntary, learning institutions may view this as an opportunity to demonstrate their continued commitment to environmental excellence and, simply by performing a follow-up audit, gain recognition from the US Environmental Protection Agency.

Copies of the EPA and MADEP audit policies are attached. The audit policies, with interpretive guidance, are also available on the Internet.

- EPA's Audit Policy <http://es.epa.gov/oeca/ore/apolguid.html>
- MADEP's Audit Policy <http://www.state.ma.us/dep/enf/enforce.htm#enforce>

We are hosting an informational meeting August 1, 2001 at the EPA New England's One Congress Street headquarters in Boston from 9:30 am to 11:30 am. If you wish to attend this meeting, have any questions, or need more information, please contact Joshua Secunda at (617) 918-1736 or via e-mail at secunda.josh@epa.gov.

While you are obligated to comply with applicable environmental laws, your decision to conduct an audit or participate in this program is purely voluntary. We hope you will take advantage of this opportunity.

Sincerely,

Ira W. Leighton
Acting Regional Administrator
EPA- New England

Lauren A. Liss
Commissioner
MADEP

Cc: State DEPs/DEMs